

REMARKS/ARGUMENT

Claims 26 and 33 have been canceled herein without prejudice, claims 37-42 have been added, and claims 25, 29, 32, and 36 have been amended. Accordingly, claims 25, 27-32, and 34-42 are currently pending in the present application. It is respectfully submitted that the new claims and the amendments to claims 25, 29, 32, and 36 do not add new matter and have adequate support throughout the Specification.

Otherwise, Applicants respectfully traverse all objections and claim rejections for the reasons that follow.

I. OBJECTIONS TO THE DRAWINGS

The drawings were objected to because the two separate views of Figure 1b are not numbered separately.

Submitted herewith on a separate sheet of paper is a "Request for Entry of Proposed Drawing Corrections," together with a red-lined version of the Figure 1b showing the two separate views of Figure 1b labeled as Fig. 1b-1 and 1b-2, respectively. It is respectfully submitted that the amendments to the Specification and Drawings address the concerns expressed in the Office Action. Accordingly, it is kindly requested that the objections to the drawings be withdrawn.

II. OBJECTIONS TO CLAIMS 25 AND 32

Claims 25 and 32 were objected to for reciting an asymmetrical recess. Although Applicants believe that the Specification supports roller bearings with asymmetrical recesses, such a limitation would unnecessarily limit the claims. Accordingly, Applicants have amended claims 25 and 32 to remove reference to asymmetrical recesses. It is respectfully submitted that the amendments do not add new matter and have adequate support throughout the Specification. Withdrawal of the objections to claims 25 and 32 is respectfully requested.

III. REJECTIONS OF CLAIMS 29 AND 36 UNDER 35 U.S.C. § 112

Claims 29 and 36 were rejected under 35 U.S.C. § 112, first paragraph, for allegedly containing subject matter which was not adequately described in the Specification. Respectfully, Applicants traverse.

Claims 29 and 36 both recite "[a] supporting surface of the bearing part further [including] a second recess in a second region of high stress, the second recess being arranged symmetrically relative to a plane described by the longitudinal axis of the journal and the pivot axis of the journal."

The subject matter of claims 29 and 36 is clearly supported by the Specification, which states that "[the] supporting surface 10a, which is formed by the bore 9a, [may] be provided with recesses 20 locally in the regions which support the most highly stressed rolling elements 14 of the roller-bearing arrangement 11." (Specification, page 9, lines 25-28). In accordance with one example embodiment, "the recesses 20 are arranged symmetrically relative to a plane, which is described by the journal axis of the journal 6, mounted in the articulated yoke, of a differential-pinion shaft 3 and the pivot axis G." (Specification, page 11, lines 15-17).

For at least the foregoing reasons, it is respectfully submitted that the subject matter of claims 29 and 36 is adequately described in the Specification. Accordingly, it is kindly requested that the rejections of claims 29 and 36 under 35 U.S.C. § 112, first paragraph, be withdrawn.

IV. REJECTIONS OF CLAIMS 26 AND 33 UNDER 35 U.S.C. § 112

Claims 26 and 33 were rejected under 35 U.S.C. § 112, first paragraph, for allegedly containing non-enabling subject matter. Claims 26 and 33 have been canceled herein without prejudice, thereby mooted the rejections of these claims. Accordingly, it is kindly requested that the rejections of claims 26 and 33 under 35 U.S.C. § 112, first paragraph, be withdrawn.

V. REJECTIONS OF CLAIMS 25-36 UNDER 35 U.S.C. § 112, 2ND PARAGRAPH

Claims 25-36 were rejected as indefinite under 35 U.S.C. § 112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 25, 29, 32, and 36 have been amended herein to remove language that unnecessarily limited the scope of the claims. Specifically, reference to "asymmetrical recesses" and "high" or "highly" stressed elements has been removed as unnecessarily limiting. It is respectfully submitted that the amendments to the claims have adequate support through the Specification and adequately address the Examiner's § 112, second paragraph, concerns. Accordingly, it is kindly requested that the rejections of claims 26-36 under 35 U.S.C. § 112, second paragraph, be withdrawn.

VI. REJECTIONS OF CLAIMS 25-30 AND 32-36 UNDER 35 U.S.C. § 102(b)

Claims 25-30 and 32-36 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,512,679 to Petrzalka et al. (hereinafter "Petrzalka '679"). Respectfully, Applicants traverse.

Claims 26 and 33 have been canceled herein without prejudice, thereby mooting the rejections of these claims. Furthermore, it is respectfully submitted that claims 25, 27-32, and 34-36 are not anticipated by Petrzalka '679 for at least the following reasons.

Claims 25 and 32 both recite "wherein the supporting surface of the bearing part is provided with a recess only in the region of stress" (Emphasis added). Petrzalka '679, in contrast, discloses a bearing bush 7 that is provided with a number of grooves 12, which extend across the circumference of an outer face 11 of a bearing bush 7 in a region 15. (Petrzalka '679, col. 3, lines 50-67). In one embodiment, the grooves 12 are disclosed as extending in a yoke bore from an innermost end to an outermost end, so that the distance of the grooves 12 from a centerline increases (i.e., the depth of the grooves 12 increases in a direction toward the outermost end). (Petrzalka '679, col. 4, lines 4-26). Since Petrzalka '679 discloses a number of grooves, this reference simply does not disclose a "bearing part . . . provided with a recess only in the region of stress," as recited in claims 25 and 32.

The Examiner asserts that the disclosure as a whole does not disclose an embodiment in which only a single recess is provided in the region of stress. (Office Action, page 7, paragraph 11.d) Applicants are puzzled by the Examiner's assertion, especially considering that the very first example embodiment described in the Specification and illustrated in the drawings includes a bearing arrangement having a single recess provided in the region of high stress. (Specification, page 9, line 24 to page 10, line 13; Figure 1a).

For at least the foregoing reasons, it is respectfully submitted that claims 25 and 32 are allowable over Petrzelka '679. Furthermore, since claims 27-31 ultimately depend from claim 25, and since claims 34-36 ultimately depend from claim 32, it is respectfully submitted that these claims are allowable over Petrzelka '679 for at least the same reasons. Accordingly, it is kindly requested that the rejections of claims 25-30 and 32-36 under 35 U.S.C. § 102(b) be withdrawn.

VII. REJECTIONS OF CLAIM 31 UNDER 35 U.S.C. § 103(a)

Claim 31 was rejected under 35 U.S.C. § 103(a) as unpatentable over Petrzelka '679 in view of U.S. Patent No. 1,700,991 to Wintercorn (hereinafter "Wintercorn"). Respectfully, Applicants traverse.

As described above, Petrzelka '679 does not disclose each and every feature of parent claim 25, from which claim 31 ultimately depends. Furthermore, any reading of Wintercorn makes clear that this reference fails to cure the critical deficiencies of Petrzelka '679 as applied against parent claim 25.

For at least the foregoing reasons, it is respectfully submitted that claim 31 is allowable over the combination of Petrzelka '679 and Wintercorn. Accordingly, it is kindly requested that the rejection of claim 31 under 35 U.S.C. § 103(a) be withdrawn.

VIII. NEW CLAIMS 37-42

Claims 37-42 have been added. Claim 37, from which claims 38-42 depend, relates to an articulated yoke having a single recess "over the entire region of stress." It is respectfully submitted that this amendment does not add new matter and has adequate support

throughout the Specification, for example, as shown in Figure 2 -- which shows a recess disposed over the entire region of stress.

It is also submitted that the cited prior art neither anticipates or renders obvious the subject matter of claim 37. For example, none of the prior art cited discloses a recess "over the entire region of stress". Pctrzelka '679 discloses a plurality of small recesses disposed over the entire circumference of the bearing unit. It is clear from the figures of Pctrzelka '679 that these recess are small enough to ensure that more than a single recess resides in the region of high stress. In contrast, claim 37 has only a single recess arranged over the entire region of stress.

For at least the foregoing reasons, it is respectfully submitted that claim 37 is allowable over the cited prior art. Furthermore, since claims 38-42 ultimately depend from claim 37, it is respectfully submitted that these claims are allowable over the cited prior art for at least the same reasons.

IX. CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims are currently in allowable condition. Accordingly, reconsideration and prompt allowance of all pending claims is therefore earnestly solicited.

I hereby certify that this correspondence is being faxed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, at (703) 872-9306 on May 11, 2004

Robert C. Faber

Name of applicant, assignee or
Registered Representative...

Signature

May 11, 2004

Date of Signature

RCF:BND

Respectfully submitted,



Reg # 51,608

Bryan DeMatteo for Robert C. Faber

Robert C. Faber

Registration No.: 24,322

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700